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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,721	03/23/2001	Shinji Imoto	205075US2	5704

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ALEXANDRIA, VA 22314

EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/814,721	Applicant(s) IMOTO, SHINJI	
	Examiner Heather D. Gibbs	Art Unit 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-29,31-37 and 39-56 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 25-28 and 53-56 is/are allowed.  
6) ☒ Claim(s) 1,3-9,11-13,16-24,29,30-37,39-41, and 44-52 is/are rejected.  
7) ☒ Claim(s) 14-15,19-24, 42-43,47-52 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on March 23, 2005 has been entered and made of record. Claims 1,3-9,11-37,39-56 are pending.

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 3-4,31-32 are dependent upon a cancelled claim.

Appropriate correction is required.

### ***Response to Arguments***

3. Applicant's arguments filed 03/23/05 have been fully considered but they are not persuasive. Regarding claims 11,16-18,39,45, Applicant argues Examiner doesn't show the passage that shows the supporting feature in Nabeshima that provides motivation to combine Nabeshima and Kumashiro. Examiner respectfully disagrees and would like to point the Applicant's attention to Col 3 Lines 49-63 and Fig 2 and Fig 3a/3b.

Regarding Uemera, Applicant argues "Uemera could not teach wherein while the moving means move the glass platen, the cleaning means moves relative to the glass platen to thereby clean the top of the glass platen." Upon further consideration, the

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Examiner finds Uemera teaches this limitation (the photoreceptor 321 and the cleaning unit 325 are fixed on the chassis 82), as does Nabeshima. Nabeshima teaches this feature in Col 3 Line 64 - Col 4 Line 13.

***Allowable Subject Matter***

4. The following is a statement of reasons for the indication of allowable subject matter: Claims 14-15, 19-24, 42-43, 47-52 are objected to as being allowed if rewritten in independent form. At the present time, the Examiner has found no reasons to combine any prior art which comprises a display for displaying an alarm message indicative of the contamination exceeding the preselected level and moves the glass platen in one direction periodically for reading an image and moves the glass platen in the other direction to said direction for cleaning the top of the glass platen.

5. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s) to 3-9, 12-15, 30-37, 40-43. Rejections based on the newly cited reference(s) follow.

6. Claims 25-28, 53-56 are allowed.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,3-9,29,31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al (US 5,930,008).

Considering claim 1, which is representative of claim 29, Nabeshima teaches an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: moving means 411 for moving the glass platen; and control 501 means for causing said moving means to move said glass platen while the reading section reads an image at the reading position; wherein said reading section and the reading position on the glass platen are movable relative to each other (Col 3 Lines 49-63; Fig 2, Fig 3a/3b) wherein said moving means moves, during an interval between a start and an end of reading of the document, the glass platen from a preselected home position by a preselected stroke and then returns said glass platen to said home position at least one time (Fig 3a; 3b).

For claim 3, which is representative of claims 5,7,9,31,33,35,37, Nabeshima discloses wherein said moving means moves the glass platen in a sub scanning direction (Col 3 Lines 1-15).

Regarding claim 4, which is representative of claim 32, Nabeshima discloses wherein said control means allows a next document to be fed after the glass platen has returned on the home position (Col 4 Lines 1-14).

Considering claim 6, which is representative of claim 34, Nabeshima teaches further comprising guide means positioned downstream of the glass platen in a direction of document conveyance for scooping up a leading edge of the document (Col 4 Lines 46-49).

Regarding claim 8, which is representative of claim 36, Nabeshima teaches wherein said control means causes said moving means to move said glass platen when the leading edge of the document reaches said guide means (Col 6 Lines 35-49).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11-13, 16, 39-41, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima (US 5,930,008) in view of Kumashiro (US 5,864,408).

Regarding claim 11, which is representative of claim 39, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen said reading image device comprising: moving means for moving the glass platen; and control means causing said moving means to move said glass platen while the reading section reads an image, wherein while causing said moving means to move said glass platen, said control means causes said reading section onto read an image, determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of said glass platen and contamination of said white plate (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).

Nabeshima does not disclose expressly said image reading device comprising: a white plate positioned above the glass platen for constituting a white reference for reading the document.

Kumashiro discloses said image reading device comprising: a white plate positioned above the glass platen for constituting a white reference for reading the document (Col 6 Lines 1-3).

Nabeshima & Kumashiro are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a white glass reference plate within an image-reading device.

The suggestion/motivation for doing so would have been determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of said glass platen and contamination of said white plate.

Therefore, it would have been obvious to combine Kumashiro with Nabeshima to obtain the invention as specified in claims above.

For claim 12, which is representative of claim 40, Nabeshima teaches comprising contamination detecting means for comparing current image data and immediately preceding image data, determining whether or not contamination is present on the basis of a difference between said current image data and said immediately preceding image data, and determining whether said contamination exists on the glass platen or on said white plate, wherein when ' said contamination detected by said contamination detecting means exceeds a preselected level, said control means inhibits the reading section from reading an image (Col 3 Lines 33-48).

Regarding claim 13, which is representative of claims 16, 41,44 Nabeshima teaches wherein said moving means moves the glass platen in a main scanning direction (Col 3 Lines 1-15)

11. Claims 17-18,45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima et al in view of Uemura et al (US 6,128,100).

Considering claim 17, which is representative of claim 45, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: a body (Fig 1); moving means for moving the glass platen (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).



Nabeshima does not disclose expressly cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen.

Uemura discloses cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen; wherein while said moving means moves the glass platen, said cleaning means moves relative to said glass platen to thereby clean the top of said glass platen (Col 3 Lines 55-62).

Nabeshima & Uemura are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine cleaning means within an image-reading device.

The suggestion/motivation for doing so would have been to clean the top of the glass platen from any soiled matter.

Therefore, it would have been obvious to combine Uemura with Nabeshima to obtain the invention as specified in claims above.

Considering claim 18, which is representative of claim 46, Nabeshima teaches a controller for causing said moving device to move the glass platen while causing the reading section to read an image (Col 3 Lines 33-48).

12. Claims 17-18,45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima (US 5,930,008) in view of Jugle et al (US 5,479,249).

For claim 17 which is representative of claim 45, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: an image

reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: a body (Fig 1); moving means for moving the glass platen (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).

Nabeshima does not disclose expressly cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen.

Jugle et al discloses cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen (Col 5 Lines 3-24).

Nabeshima & Jugle are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Jugle with Nabeshima.

The suggestion/motivation for doing so would have been to move the cleaning means relative to the glass platen to clean the glass platen.

Therefore, it would have been obvious to combine Nabeshima with Jugle to obtain the invention as specified in claims above.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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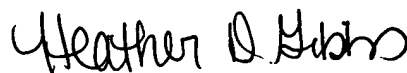
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg



Heather D Gibbs  
Examiner  
Art Unit 2622



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